

REMARKS

Reconsideration of this application in light of the present amendments and remarks is specifically requested. In the outstanding office action, claims 1, 4, 5, 12-15, and 26-35 were pending in the application. Claims 1, 4, 5, 12-15, and 26-35 were rejected.

In response to the office action, claims 1, 4, 28, and 31 were amended. Claims 5, 12-15, and 26-27, 29-30, and 32-35 remain unchanged. Therefore claims 1, 4, 5, 12-15, and 26-35 are currently pending in the application.

Rejection of claims 28 and 31 under 35 U.S.C. 112 second paragraph:

In response to the rejection of claims 28 and 31 under 35 U.S.C. 112 second paragraph, Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 28 and 31 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has clarified the invention by amending claims 28 and 31 to recite “reducing a beacon interval time of the one or more of the first plurality of beacon intervals following a delayed beacon interval so that an average rate of the reduced beacon interval time and the delayed beacon interval time approaches the beacon interval time.” Support for this amendment can be found on page 6, lines 3-5, and page 7, lines 19-20 of Applicant’s original specification. Therefore, no new matter is added. Applicants therefore respectfully request withdrawal of the rejection of claims 28 and 31 under 35 U.S.C. 112, second paragraph.

Rejection of claims 1, 4, 5, 12-15, 24, 25, and 32-35 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385):

Applicants respectfully request reconsideration of the rejection of claims 1, 4, 5, 12-15, 24, 25, and 32-35 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385) as herein amended.

Independent Claim 1 has been amended to clarify that during a contention free period, devices operating on the frequency subject to the contention free period remain associated with the access point. Support for this amendment can be found on page 3, lines 25-27 of Applicant's original specification as filed. Therefore, no new matter is added.

Applicants respectfully submit that Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385), taken singly or in combination, do not anticipate, either expressly or inherently, each and every element as set forth in independent Claim 1. Specifically, Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385) do not ensure devices stay "associated" on the access point during periods of inactivity.

Lansford mentions that it will work for mobile platforms but makes no mention of "association" which is a fundamental concept in HomeRF and 802.11 systems. Without mentioning "association" Lansford makes no provisions to keep mobiles from un-associating. In Lansford, a mobile platform "associates" to only one AP at a time. If the mobile platform doesn't hear beacons from the AP for too long a time, it scans other frequencies to find an active AP and re-associate. The mobile platform doesn't know its physically moving; it only knows when it doesn't hear a former AP. Therefore in Lansford, if a mobile platform was associated to an AP and the AP got too busy on the one frequency (transmitting/receiving packets in DCF mode), the mobile platform on the second frequency wouldn't hear a beacon for too long a time. If the subscriber doesn't hear the beacon for too long a time, the mobile platform starts to look for another AP i.e. scan other frequencies to hear a beacon. In reality the mobile platform didn't need to un-associate and the whole process of starting over a connection (i.e. re-associating) to probably the same AP takes away connection time.

In the invention of Claim 1, the access point temporarily halts activity on one frequency, goes to the other frequency and transmits a beacon to keep subscribers from un-associating; the AP then returns to the former frequency and resumes DCF mode (see lines 24-27 on page 3). No DCF or multicast communication occurs when the AP switches to the other frequency to keep mobiles from un-associating – just a beacon is sent by the AP. In view thereof, Applicant respectfully requests withdrawal of the rejection of claim 1.

Dependent claims 4, 5, 12-15, 24, 25, and 32-35 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully requests the reconsideration of dependent claims 4, 5, 12-15, 24, 25, and 32-35 and requests withdrawal of the rejection.

Rejection of claims 26-31 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385) and further in view of Cervello et al (US 20020071448):

Applicant respectfully requests reconsideration of the rejection of claims 26-31 under 35 U.S.C. §103 (a) as being unpatentable over Lansford et al (US Publication No. 20030178984) in view of Meier (US Publication 20070217385) and further in view of Cervello et al (US 20020071448). Dependent claims 26-31 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully requests the reconsideration of dependent claims 26-31 and requests withdrawal of the rejection.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any

claim, unless applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, or in the event that the Examiner deems the present application non-allowable, a telephone call to the undersigned at (954) 723-6449 is respectfully solicited.

Authorization is hereby given to charge any fees, or credit overpayment necessitated by actions taken herein to Deposit Account 502117.

Respectfully submitted,

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